

**AN ORDINANCE BY
COUNCILMEMBERS H. LAMAR WILLIS, C.T. MARTIN AND IVORY LEE YOUNG, JR.
As Substituted by the Public Safety Legal Administration Committee**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XVI OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY ADDING A NEW DIVISION 11, TO PROVIDE FOR THE ESTABLISHMENT OF A CITIZEN REVIEW BOARD ("BOARD"); TO CONSIDER GRIEVANCES OF CITIZENS WHO HAVE COMPLAINTS AGAINST ANY MEMBER OF THE POLICE DEPARTMENT ("DEPARTMENT"); TO PROVIDE FOR HEARINGS BEFORE THE BOARD FOR POLICE OFFICERS; TO PROVIDE FOR RECOMMENDATIONS FOR DISPOSITIONS OF THE BOARD; AND FOR OTHER PURPOSES.

WHEREAS, issues relating to public safety are of primary concern to all citizens of the City of Atlanta; and

WHEREAS, it is incumbent upon the government of the City of Atlanta to ensure that agencies directly responsible for public safety, particularly the Police Department, have the proper support from the government and its various agencies; and

WHEREAS, it is important that police officers who have been accused of misconduct be reviewed by a credible, independent review Board; and

WHEREAS, it is similarly incumbent upon the government of the City of Atlanta to instill confidence in its citizenry to redress grievances against the government and its employees; and

WHEREAS, the codified establishment of a civilian advisory board known as the Citizen Review Board in the City of Atlanta will help to prevent future incidents of police misconduct and abuses of civil rights, reduce the amount of money needed to satisfy judgments and settlements based upon allegations of police misconduct, promote public confidence in law enforcement, and lessen the possibility that future incidents of urban unrest will occur.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section 1: That a new Division 11 be added to Chapter 2, Article XVI of the Code of Ordinances of the city of Atlanta, Georgia to provide as follows:

Sec. 2-2201: Establishment of the Atlanta Citizen Review Board.

- (A) The Atlanta Citizen Review Board (the "Board") is established to provide a permanent agency in the city of Atlanta through which:
1. complaints lodged by members of the public regarding alleged abusive language, false arrest, false imprisonment, harassment, use of excessive force, serious bodily injury, death which is alleged to be the result of the actions of a sworn employee of the Police Department, shall be processed, investigated under section 2-2211 of this chapter, and evaluated; and policies of a law enforcement unit may be reviewed.
 2. The board shall have the jurisdiction to entertain complaints of citizen's complaints with regard to the above described complaints before a final decision has been made by the Chief of Police or the Police Bureau of Internal Affairs.
 3. Complaints shall be filed in writing and under oath with the Office of Professional Standards ("OPS") and the Board no later than ninety (90) days following the date of the alleged infraction. There shall be no filing fee and complainants shall be provided any necessary assistance in completing a complaint form.

- (B) Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, use of excessive force, serious bodily injury, or death which is alleged to be the result of the actions of an employee of the Bureau of Police and use of excessive force as defined in section 2-2213 of this chapter and by the law enforcement unit's rules and regulations.
- (C) An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.
- (D) Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, use of excessive force, serious bodily injury, death which is alleged to be the result of the actions of an employee of the Bureau of Police and excessive force.
- (E) The Atlanta Citizen Review Board ("Board") shall be composed of nine members (9) who represent the diversity of this community, and who reside within the City of Atlanta and who shall be appointed as follows:

Sec. 2-2202: Appointment of members.

- (A) The nine (9) members of the Atlanta Citizen Review Board shall be appointed as follows and said appointments shall be confirmed by the city council:
 - 1. One (1) member shall be appointed by the Mayor
 - 2. One (1) member shall be appointed by the City Council, between the ages of 24 to 35
 - 3. One (1) member shall be appointed by the International Brotherhood of Police Officers (IBPO) with previous experience as a law enforcement professional
 - 4. One (1) member shall be appointed by Neighborhood Planning Unit ("NPU") Group A-F
 - 5. One (1) member shall be appointed by NPU Group G-L
 - 6. One (1) member shall be appointed by NPU Group M-R
 - 7. One (1) member shall be appointed by NPU Group S-Z
 - 8. One (1) member shall be appointed from the Gate City Bar Association
 - 9. One (1) member shall be appointed from the Atlanta Bar Association
- (B) "NPU groups", for this purpose, are recognized by alphabetically arranged groups of 6 or seven (7). These groups will vote on and appoint one (1) person each to the body.
- (C) All initial appointments shall be confirmed by the Council within ninety (90) days of the effective date of this ordinance.
- (D) All confirmed appointees must be inaugurated no more than thirty (30) days after council confirmation.
- (E) The members of the Atlanta Citizen Review Board may make recommendations to the mayor, president of council, and Council members of prospective members to be appointed to the Board.

Sec. 2-2203. Composition of Board.

- (A) For the purposes of section 2-2202(A)(4), experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law

enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

- (B) Others selected shall have skills and experience in areas relevant to the work of the Board. Areas that should be represented are: civil rights work and litigation; community and business leadership; and relevant academic expertise.
- (C) No member of the Board shall hold any other public office or hold employment with the city of Atlanta.
- (D) The chair of the Board will be elected by the Board from among its members. At the first meeting of the Board it shall, by majority vote of all of its members, adopt rules governing the conduct of its meetings, proceedings, and other procedural matters.
- (E) To enable the Board to conduct its work, the Board is hereby authorized to hire its own Director and appropriate investigative and clerical staff. Additional staff support to the Board shall be provided by the Office of the Mayor, the City Attorney, and the Department, upon the request of the Board.

Sec. 2-2204. Time limit on appointments.

For all appointments of members to the Board, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta city council within 60 days prior to the expiration of the term of any member.

Sec. 2-2205. Terms of office.

Every member of Board shall serve for a term of two (2) years commencing from date of council confirmation. If at the expiration of two years a successor is not appointed, the member shall continue to serve the Board until a successor is appointed and qualified. An individual may not serve successive terms.

Sec. 2-2206. Vacancies.

Any membership vacancies created on the Board by any reason whatsoever shall be filled in accordance with the procedure outlined in section 2-2202.

Sec. 2-2207. Organization; rules; consultations.

The Board shall hold an organizational meeting in February of each year to elect officers and transact any other authorized business. At such meeting and thereafter from time to time on the call of the chair of the Board, the Board shall adopt and promulgate or amend such bylaws, rules and regulations as are deemed necessary or convenient to conduct the affairs of the Board. The Board and its members may consult with city officials, department heads and in the performance of the business and duties of the commission.

Sec. 2-2208. Officers.

- (A) The membership of the Board shall elect the following officers:

- 1. the chair;
- 2. the vice-chair; and
- 3. the secretary.

- (B) Elected officers shall serve one-year terms from the time of their election at the organizational meeting.

Sec. 2-2209. Compensation; conflict of interest.

- (A) Members of the Board shall serve without compensation from the city but shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties.
- (B) A member of the Board may not contract to provide goods and services to the city in the ordinary course of the business or profession of such member. No member shall participate as a member in the review and recommendations of the Board on any proposed work or work done by any such member or any corporation, partnership or other legal entity in which such member has any financial interest.

Sec. 2-2210. Quorum; voting

- (A) Five members of the Board shall constitute a quorum for each Board meeting. Three members shall constitute a quorum for each hearing.
- (B) Decisions of the Board or of a hearing panel shall be made by the affirmative vote of a majority of the members present.

Sec. 2-2211. Powers and Duties of the Board.

- (A) The Board shall advise the Mayor, the President of Council, Council members and the Chief of Police on policies and actions of the Police Department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the Department and the community.
- (B) The Board shall have the power to conduct investigations and public hearings.
- (C) The Board shall have full discretion to select appropriate individual incidents to review and broader issues to study which may be of concern to the community, the Police Department, or the Chief of Police; provided, however, that the Board shall, to the best extent possible, minimize duplication of effort between the Board and any other existing agencies which have jurisdiction over the same matter. The Mayor, the President of Council, Council members and the Chief of Police, and other responsible officials shall ensure that all such agencies cooperate to the greatest extent possible in the performance of their respective activities, studies, and operations.
- (D) The Board may initiate studies upon request to the Board by any member of the public or the Police Department, or at the Board's own discretion. The Board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation or disability.
- (E) In order to accomplish its goals as set forth above, the Board shall, as a unit of the Office of the Mayor, have full access to relevant Police Department personnel for interview and to relevant documents, including, but not limited to, the following:
 1. OPS files, citizen complaints, and determinations made pursuant thereto; Department Review files; Ethics and Accountability files, and the files of any other internal investigative agency charged with investigating police misconduct incidents;
 2. Police paperwork (e.g., police documents and other paperwork produced by the Department for the purpose of investigating suspects or to aid in their prosecution);
 3. Information related to past assignments and disciplinary action;
 4. Police Directives, training manuals, and other police documents that the Board deems relevant to the issue under review;

5. All general summaries, statistical compilations, and other internal reports on shootings, injuries, and complaints of abuse, training, and any other issues related to the work of the Board.
 6. The Board, at its discretion, may make specific recommendations at any time, and shall issue a public report summarizing its activities and recommendations not less than once a year to the Mayor, the President of Council, Council members, the Chief of Police, and the city Ethics Officer, and shall make copies of the report available to the public in the office of the Municipal Clerk of the City of Atlanta.
 7. No Board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.
- (F) The Board shall acknowledge receipt of complaints filed by individuals alleging police misconduct within ten (10) business days of receiving any such complaint. Such response shall indicate whether, in the exercise of its discretion, the Board shall study the allegations made, not study them, or request additional information to enable it to make a decision on its options.
- (G) The Board shall have the responsibility of informing the public about the Board and its duties, and shall develop and administer an ongoing program for the education of the public regarding the provisions of this Code Section. In addition, the Chief of Police shall meet with the Board periodically to aid in its fact-gathering function and pursuant to the provisions of the Atlanta Code of Ordinances
- (H) All employees of Atlanta City government are hereby directed to fully cooperate with the Board by promptly producing documents, records, files, and any other information that the Board may request. In addition employees, on request of the Board, shall be available to meet with and be interviewed by, the Board or its representatives, and to testify before the Board.
- (I) The Board shall have the authority to compel the attendance, interview, and/or testimony of any witness and the production of documents and other evidence relating to any and all matters properly before it and, for that purpose, it may issue subpoenas requiring the attendance, interview, and/or testimony of persons and the production of documents and other evidence.
- (J) Failure to comply with a subpoena pursuant to section 2-2211 shall be punishable in accordance with Section 1-8 of this code.
- (K) Police personnel who are designated the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation.
1. Hearings shall be informal and strict rules of evidence shall not be applied. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the complaint. A stenographic record shall be kept and shall be made available, upon payment of costs, to any person requesting same.
- (L) All hearings shall be open to the public, except when, in the opinion of the Board, executive sessions are required.
- (M) The Board shall have the power to recommend that the Chief of Police take certain actions.

1. The Board may recommend general reforms (such as changes in training, changes in the preservation of records, changes in counseling available to officers) or specific actions directed at individual officers (including, but not limited to, hiring, firing, promotion, demotion, punishment, or commendation);
 2. provided, however, that the Chief of Police shall retain full and ultimate authority, power, discretion, management prerogatives, and responsibility to set disciplinary policies or take other lawful actions they deem appropriate relative to the Police Department under the provisions of the Atlanta Code of Ordinances;
 3. provided, further, that nothing in this section shall be construed to limit the rights of members of the Police Department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise. The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law by any court of competent jurisdiction, a federal or state grand jury, the United States Attorney for the State of Georgia, the Fulton County District Attorney, or other authorized officer, agency, or body.
- (N) Within thirty (30) days of the submission of a recommendation for action by the Board to the Chief of Police and the city Ethics Officer, the Chief of Police shall respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications.

Sec. 2-2212. Finding of Necessity.

- (A) It shall be the duty of the Department to provide such assistance as the Board may reasonably request, to cooperate fully with studies by the Board, and to provide to the Board upon request records, personnel, and other materials which are necessary for the work of the Board. No document or information obtained through this process, or created by the Board or any member of its staff, shall be released to the public unless such document is deemed by the Board (following consultation with the City Attorney) to be a public record under the Georgia Open Records Act.
- (B) The Board and its members shall not make public any confidential police document, or information derived from any such confidential police document. The findings of the Board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the Board officially releases such findings; provided, however, that the Board shall not publicly release any of its findings until such findings have been provided to the Mayor, the President of Council, Council members, the Chief of Police, and the city Ethics Officer and a period of three (3) working days has elapsed.

Sec. 2-2213. Definitions.

The following words and phrases as used in this chapter shall have or include the following meanings.

- (A) "Board" shall mean the Civilian Review Board established in sec. 2-2201 of this chapter.
- (B) "Department" shall mean the Police Department of Atlanta.
- (C) "Chief" or "Chief of Police" shall mean the head of the Department of Police of the City of Atlanta.

- (D) "OPS" or "Office of Professional Standards" shall mean the official internal investigative unit under the organizational structure of the Department.
- (E) "OPS Report" shall mean the official file of an investigation conducted by OPS as the result of a complaint against a police officer.
- (F) "Members of the department" shall mean and include all persons and personnel employed by the department, whether civilian employees or police officers.
- (G) "Police officers" shall mean all those members of the department having and exercising the powers of police officers, and shall specifically include the Chief of Police, the Assistant Chief, and all deputy police chiefs.
- (H) "Civilian employees" shall mean all members of the department other than police officers.
- (I) In this chapter the following words have the meanings indicated.
 - 1. "Abusive language" means harsh, violent, profane, or derogatory language which would demean the dignity of an individual and which shall also include profanity and racial, ethnic, or sexist slurs.
 - 2. "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.
 - 3. "False Arrest" means arrest by a police officer of the wrong person without probable cause to believe a crime has been committed and/or without a warrant and/or when the arresting party knowingly holds someone who has not committed a crime.
 - 4. "False Imprisonment" means intentionally restraining another person without having the legal right to do so; physically detaining someone without the legal right to do so.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any conflict.

AN ORDINANCE BY
COUNCILMEMBERS

H. LAMAR WILLIS, C.T. MARTIN AND IVORY LEE YOUNG, JR.

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XVI OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY ADDING A NEW DIVISION 11, TO PROVIDE FOR THE ESTABLISHMENT OF A CITIZEN REVIEW BOARD ("BOARD"); TO CONSIDER GRIEVANCES OF CITIZENS WHO HAVE COMPLAINTS AGAINST ANY MEMBER OF THE BUREAU OF POLICE SERVICES; TO PROVIDE FOR HEARINGS BEFORE THE BOARD FOR POLICE OFFICERS; TO PROVIDE FOR RECOMENDATIONS FOR DISPOSITIONS OF THE BOARD; AND FOR OTHER PURPOSES.

WHEREAS, issues relating to public safety are of primary concern to all citizens of the City of Atlanta; and

WHEREAS, it is incumbent upon the government of the City of Atlanta to ensure that agencies directly responsible for public safety, particularly the Department of Police, have the proper support from the government and its various agencies; and

WHEREAS, it is important police officers that have been accused of misconduct be reviewed by a credible, independent review Board; and

WHEREAS, it is similarly incumbent upon the government of the City of Atlanta to instill confidence in its citizenry to redress grievances against the government and its employees; and

WHEREAS, the codified establishment of a civilian advisory board in the City of Atlanta will help to prevent future incidents of police misconduct and abuses of civil rights, reduce the amount of money needed to satisfy judgments and settlements based upon allegations of police misconduct, promote public confidence in law enforcement, and lessen the possibility that future incidents of urban unrest will occur.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section 1: That a new Division 11 be added to Chapter 2, Article XVI of the Code of Ordinances of the city of Atlanta, Georgia to provide as follows:

Sec. 2-2201: Establishment of the Atlanta Citizen Review Board.

- (A) The Atlanta Citizen Review Board of the City of Atlanta is established to provide a permanent, statutory agency in Atlanta through which:
 - a. complaints lodged by members of the public regarding alleged abusive language, false arrest, false imprisonment, harassment, serious bodily injury, death which is alleged to be the result of the actions of an employee of the Department of Police, or excessive force by police officers of a law enforcement unit shall be processed, investigated under section 2-2212 of this subheading, and evaluated; and policies of a law enforcement unit may be reviewed.
 - b. The board shall have the jurisdiction to entertain appeals of citizen's complaints with regard to the above described complaints before a final decision has been made by the Chief of Police or the Police Bureau of Internal Affairs.
 - c. Appeals shall be filed in writing and under oath with the Board no later than ninety (90) days following the date of the alleged infraction. There shall be no filing fee and complainants shall be provided any necessary assistance in completing a complaint form.

- (D) The chair of the Board will be elected by the Board from among its members. At the first meeting of the Board it shall, by majority vote of all of its members, adopt rules governing the conduct of its meetings, proceedings, and other procedural matters.
- (E) To enable the Board to conduct its work, the Board is hereby authorized to hire its own Director and appropriate investigative and clerical staff. Additional staff support to the Board shall be provided by the Office of the Mayor, the City Attorney, and the Police Department, upon the request of the Board.

Sec. 2-2204. Time limit on appointments.

For all appointments of members to the Board, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta city council within 60 days prior to the expiration of the term of any member.

Sec. 2-2205. Terms of office.

Every member of Board shall serve for a term of two years commencing from the time of the member's initial appointment. If at the expiration of two years a successor is not appointed, the member shall continue as a member of the commission until a successor is appointed and qualifies to serve. An individual may not have succession with consecutive terms as a member.

Sec. 2-2206. Vacancies.

Any membership vacancies created on the Board by any reason whatsoever shall be filled in accordance with the procedure outlined in section 2-2202. However, the appointing procedure shall be limited to the mayor, the city council president or the appropriate city councilmember so that the representation and membership classification as indicated in section 2-2202 shall be maintained.

Sec. 2-2207. Organization; rules; consultations.

The Board shall hold an organizational meeting in February of each year to elect officers and transact any other authorized business. At such meeting and thereafter from time to time on the call of the chair of the commission, the commission shall adopt and promulgate or amend such bylaws, rules and regulations as are deemed necessary or convenient to the conduct of the affairs of the commission. The commission and its members may consult with city officials, department heads and the advisory board, established pursuant to section 2-2212, in the performance of the business and duties of the commission.

Sec. 2-2208. Officers.

- (A) The membership of the Board shall elect four officers. These officers shall be the following:
 - a. the chair;
 - b. the vice-chair; and
 - c. the secretary.
- (B) The chair of the commission shall appoint an assistant secretary, and/or timekeeper.
- (C) Elected officers shall serve one-year terms from the time of their election at the annual meeting.

Sec. 2-2209. Compensation; conflict of interest.

- (A) Members of the Board shall serve without compensation from the city but shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties.

- (B) A member of the Board may not contract to provide services to the city in the ordinary course of the business or profession of such member. No member shall participate as a member in the review and recommendations of the commission on any proposed work or work done by any such member or any corporation, partnership or other legal entity in which such member has any financial interest.

Sec. 2-2210. Quorum; voting

- (A) Five members of the Board shall constitute a quorum for each Board meeting. Three members shall constitute a quorum for each hearing.
- (B) Decisions of the Board or of a hearing panel shall be made by the affirmative vote of a majority of the members present.

Sec. 2-2211. Powers and Duties of the Board.

- (A) The Board shall advise the Mayor, the Chief and the President of Council on policies and actions of the Police Department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the Police Department and the community.
- (B) The Board shall have full discretion to select appropriate individual incidents to review and broader issues to study which may be of concern to the community, the Police Department, or the Chief of Police; provided, however, that the Board shall, to the best extent possible, minimize duplication of effort between the Board and any other existing agencies which have jurisdiction over the same matter. The Mayor, the Chief and the President of Council, and other responsible officials shall ensure that all such agencies cooperate to the greatest extent possible in the performance of their respective activities, studies, and operations.
- (C) The Board may initiate studies upon request to the Board by any member of the public or the Police Department, or at the Board's own discretion. The Board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation or disability, or failure to provide the public safety service.
- (D) In order to accomplish its goals as set forth above, the Board shall, as a unit of the Office of the Mayor, have full access to relevant Police Department personnel for interview and to relevant documents, including, but not limited to, the following:
 - a. Internal Affairs Division files, citizen complaints, and determinations made pursuant thereto; Department Review files; Ethics and Accountability files, and the files of any other internal investigative agency charged with investigating police misconduct incidents;
 - b. Police paperwork (e.g., police documents and other paperwork produced by the Police Department for the purpose of investigating suspects or to aid in their prosecution); and
 - c. Information related to past assignments and disciplinary action; and
 - d. Police Directives, training manuals, and other police documents that the Board deems relevant to the issue under review; and
 - e. All general summaries, statistical compilations, and other internal reports on shootings, injuries, and complaints of abuse, training, and any other issues related to the work of the Board.
 - f. The Board, at its discretion, may make specific recommendations at any time, and shall issue a public report summarizing its activities and recommendations not less than once a year to the Mayor, the President of Council, the city Ethics Officer and

- (B) Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in section 2-2213 of this subheading and by the law enforcement unit's rules and regulations.
- (C) An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.
- (D) Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.
- (E) The Atlanta Citizen Review Board ("Board") shall be composed of seven members (7) who represent the diversity of this community, and who reside within the City of Atlanta. Members shall be appointed by the Mayor, members of Council and the Chief of Police as follows:

Sec. 2-2202: Appointment of members.

- (A) The seven (7) members of the Atlanta Citizen Review Board shall be appointed as follows and said appointments shall be confirmed by the city council:
 - 1. Two (2) members shall be appointed by the Mayor,
 - 2. Two (2) members shall be appointed by the city council,
 - 3. One (1) member shall be appointed by the President of council,
 - 4. One (1) shall be appointed by the Chief of Police, with previous experience as a law enforcement professional;
 - 5. One (1) shall be appointed by the International Brotherhood of Police Officers (IBPO)
- B. All initial appointments shall be confirmed by the Mayor within thirty (30) days of the date Council forwards its nominees to the Mayor in accordance with section 2-2202(A) of this Order.
- C. The members of the Atlanta Citizen Review Board may make recommendations to the mayor, president of council, and councilmembers of prospective members to be appointed to the Board.
- D. All appointees shall be residents of the City of Atlanta.

Sec. 2-2203. Composition of Board.

- (A) For the purposes of this section, experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.
- (B) Others selected shall have skills and experience in areas relevant to the work of the Board. Areas that should be represented are: civil rights work and litigation; community and business leadership; and relevant academic expertise.
- (C) No member of the Board shall hold any other public office or hold employment with the city of Atlanta.

members of City Council, and shall make copies of the report available to the public in the office of the Clerk of the City of Atlanta or other locations.

- g. No Board finding or recommendation shall be based solely upon an unsworn complaint for statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.
- (E) The Board shall respond to all complaints filed by individuals alleging police misconduct within ten (10) business days of receiving any such complaint. Such response shall indicate whether, in the exercise of its discretion, the Board shall study the allegations made, not study them, or request additional information to enable it to make a decision on its options. In addition, the Board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.
 - (F) The Board shall have the responsibility of informing the public about the Board and its duties, and shall develop and administer an ongoing program for the education of the public regarding the provisions of this Executive Order. In addition, the Chief of Police shall meet with the Board periodically.
 - a. To aid its fact-gathering function and pursuant to the provisions of the Atlanta Code of Ordinances, the Board shall have the power to conduct investigations and public hearings.
 - (G) All employees within the Executive and Administrative branch of Atlanta City government as contained the Atlanta Code of Ordinances are hereby directed to fully cooperate with the Board by promptly producing documents, records, files, and any other information that the Board may request. In addition, as provided for in this Executive Order, these employees, on request of the Board, shall be available to meet with and be interviewed by, the Board or its representatives, and to testify before the Board.
 - (H) The Board shall have the authority vested in the Executive and Administrative branch of City government under the Atlanta Code of Ordinances to compel the attendance, interview, and/or testimony of any witness and the production of documents and other evidence relating to any and all matters properly before it and, for that purpose, it may issue subpoenas requiring the attendance, interview, and/or testimony of persons and the production of documents and other evidence and cause them to be served in any part of the City.
 - (I) Police personnel who are designated the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation.
 - a. Hearings shall be informal and strict rules of evidence shall not be applied. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the complaint. A stenographic record shall be kept and shall be made available, upon payment of costs, to any person requesting same.
 - (J) All hearings shall be open to the public, except when, in the opinion of the Board, executive sessions are required.
 - (K) The Board shall have the power to recommend that the Chief of Police take certain actions.
 - a. The Board may recommend general reforms (such as changes in training, changes in the preservation of records, changes in counseling available to officers, changes in shift assignments) or specific actions directed at individual officers (including, but not limited to, hiring, firing, promotion, demotion, punishment, or commendation);

- b. provided, however, that the Chief of Police shall retain full and ultimate authority, power, discretion, management prerogatives, and responsibility to set disciplinary policies or take other lawful actions they deem appropriate relative to the Police Department under the provisions of the Atlanta Code of Ordinances;
- c. provided, further, that nothing in this section shall be construed to limit the rights of members of the Police Department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise. The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law by any court of competent jurisdiction, a federal or state grand jury, the United States Attorney for the State of Georgia, the Fulton County District Attorney, or other authorized officer, agency, or body.

- (L) Within thirty (30) days of the submission of a recommendation for action by the Board to the Chief of Police and the city Ethics Officer, the Chief of Police shall respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications.

Sec. 2-2212. Finding of Necessity.

- (A) It shall be the duty of the Department of Police to provide such assistance as the Board may reasonably request, to cooperate fully with studies by the Board, and to provide to the Board upon request records, personnel, and other materials which are necessary for the work of the Board. No document or information obtained through this process, or created by the Board or any member of its staff, shall be released to the public unless such document is deemed by the Board (following consultation with the City Attorney) to be a public record under the Georgia Open Records Act.
- (B) The Board and its members shall not make public any confidential police document, or information derived from any such confidential police document. The findings of the Board as they may relate to conclusions drawn from interviews, study, and review of documents, etc., shall remain confidential until the Board officially releases such findings; provided, however, that the Board shall not publicly release any of its findings until such findings have been provided to the Mayor, the President of Council, the city Ethics Officer and the Chief of Police, and a period of three (3) working days has elapsed.

Sec. 2-2213. Definitions.

The following words and phrases as used in this subtitle shall have or include the following meanings.

- (A) "Board" shall mean the Civilian Review Board established in sec. 2-2201 of this subtitle.
- (B) "Department" shall mean the Police Department of Atlanta as constituted and established by this subtitle.
- (C) "Chief" or "Chief of Police" shall mean the Police of the City of Atlanta.
- (D) "Internal Investigative Division" shall mean an official internal investigative unit under the organizational structure of the Department or other law enforcement unit.

- (E) "Internal Investigative Division Report" shall mean the official file of an investigation conducted by the Internal Investigative Division as the result of a complaint against a police officer.
- (F) "Members of the department" shall mean and include all persons and personnel employed by the department, whether civilian employees or police officers.
- (G) "Police officers" shall mean all those members of the department having and exercising the powers of police officers, as provided in this subtitle, and shall specifically include the Chief of Police of the City of Atlanta, all deputy police chiefs, and such other ranks or positions which the Chief may determine require experience as a police officer as a prerequisite.
- (H) "Civilian employees" shall mean all members of the department other than police officers.
- (I) In this subheading the following words have the meanings indicated.
 - a. "Abusive language" means harsh, violent, profane, or derogatory language which would demean the dignity of an individual.
 - b. "Abusive language" includes profanity and racial, ethnic, or sexist slurs.
 - c. "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

Sec. 2-2214. This order shall be effective immediately.